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State Bar Court of California Hearing Department Los Angeles		
PUBLIC MATTER		
Counsel For The State Bar Melanie J. Lawrence 1149 South Hill Street Los Angeles, CA 90015 (213)765-1066 Bar # 230102	Case Number (s) 05-O-02951 06-O-13754 06-O-14513 07-O-10998 07-O-14393 08-O-11762	(for Court's use) FILED MAY 27 2010 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Terrye Cheatham 4859 W. Slauson Ave., #361 Los Angeles, CA Bar # 140643	Submitted to: Settlement Judge	
In the Matter Of: Paul Park 3435 Wilshire Blvd., Ste. 2920 Los Angeles, CA 90010 Bar # 144210 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 11, 1989.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 17 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of the Supreme Court order.
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☒ State Bar Court case # of prior case 95-O-17449 et.al.
 - (b) ☒ Date prior discipline effective September 14, 2000
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rule 4-100(A), 4-100(B), 4-100(C)
 - (d) ☒ Degree of prior discipline 60 days actual suspension, one-year stayed suspension, one-year probation.
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. See attachment.
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. See attachment.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two years.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of three years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of nine months.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: _____
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: _____

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- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

In the Matter of
Paul Park

Case number(s):
05-O-02951 et.al.

A Member of the State Bar

Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

- ☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

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A Member of the State Bar

Law Office Management Conditions

- a. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within days/ months/**one** years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **six** hours of Minimum Continuing Legal Education (MCLE) approved courses in law, office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Paul Park

CASE NUMBER(S): ET AL. 05-O-02951, et.al.

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND
STIPULATED FACTS AND CULPABILITY:**

The parties waive any variance between the Notice of Disciplinary Charges filed on December 22, 2009, and the facts and/or conclusions of law contained in this stipulation and waive the issuance of an Amended Notice of Disciplinary Charges. The parties further waive the right to the filing of an Amended Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

A. FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

1. At all times relevant to the following facts, Respondent maintained a Client Trust Account at Mirae Bank, account no. *****0152 (CTA). Respondent did not maintain any other CTA. Respondent did reconcile his CTA but did not do so with sufficient regularity. In addition, deposits into the CTA were not always timely made.

05-O-02951

2. On April 28, 2005, Mirae Bank notified the State Bar that Respondent issued check number 1376 drawn upon his CTA, against insufficient funds. The balance in the CTA when the check was presented for payment was -\$4,655.75.

3. Respondent issued check no. 1376 when he was grossly negligent in not knowing that there were insufficient funds in his CTA to pay the check.

Conclusions of Law:

By issuing a check drawn upon his CTA when he was grossly negligent in not knowing that the check was issued against insufficient funds, Respondent committed acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106.

06-O-13754

4. On July 18, 2005, Prachid Skinner (Skinner) and Bungon Reyes (Reyes) were involved in an automobile accident. Skinner was the driver of the automobile, and Reyes was her passenger. Skinner,

while driving the vehicle, struck another car in an intersection.

5. On October 7, 2005, Skinner and Reyes hired Respondent to represent them in a personal injury matter related to the accident. Skinner and Reyes' interests potentially conflicted. Respondent did not get written consent for the dual representation from either Skinner or Reyes.
6. On November 1, 2005, Explorer Insurance (Explorer), Skinner's insurance company, sent a letter to Respondent acknowledging that Respondent represented Skinner and Reyes. Explorer informed Respondent that its investigation found that Skinner was 100% at fault for the loss, and asked Respondent to contact it to discuss Reyes' injuries.
7. As of November 1, 2005, Skinner and Reyes' interests actually conflicted. Respondent did not get written consent from either Skinner or Reyes to continue the representation.
8. On March 25, 2006, Respondent sent Skinner a letter informing her that he could no longer represent her. Respondent also informed Skinner that she could seek the advice of another attorney, and Respondent reminded Skinner of the statute of limitations for filing a lawsuit regarding her matter.
9. On April 26, 2006, Respondent settled Reyes' matter. Explorer Insurance mailed a check payable to Respondent and Reyes, in the amount of \$13,000, as full settlement of Reyes' matter. In June 2006, Respondent disbursed Reyes' settlement funds.

Conclusions of Law:

By accepting and continuing to represent both Skinner and Reyes without their informed written consent regarding the potential and actual conflict of interest, Respondent represented more than one client in a matter in which the interests of the clients potentially and actually conflicted in wilful violation of Rules of Professional Conduct, rule 3-310(C)(2).

06-O-14513

10. On January 5, 2004, four family members (the Lee family) were in a car that was struck by another party. All four members of the Lee family: Sang Il Lee (Sang Il Lee), the driver; Jung Eun Lee (Jung Lee); Ok Bok Lee (Ok Lee); Sang Koo Lee (Sang Koo Lee); hired Respondent to represent them in the personal injury matter that arose from the accident.
11. The interest of Jung Lee, Ok Lee, and Sang Koo Lee's, all passengers in the car driven by Sang Il Lee, potentially conflicted with that of Sang Il Lee. Respondent did not get written consent for the multiple representations from any of the Lees.
12. The third party was insured by Lincoln General Insurance Co. (Lincoln General). Respondent contacted Lincoln General and asserted claims damage claims on behalf of all four (4) members of the Lee family.
13. On June 17, 2005, Respondent settled the claims of the Lee family against Lincoln General, and properly disbursed the funds to his four clients. The Lees' claims settled for a pro-rata distribution of the Lincoln General policy limits. The settlement did not completely pay any of the Lee family members' medical bills and/or adequately compensate them for their damages.
14. The car that Sang Lee was driving was owned by Paul Kim and insured by Hartford Insurance

Company (Hartford).

15. On June 24, 2005, Respondent notified Hartford that he represented all four members of the Lee family. Respondent notified Hartford that Respondent was filing a claim, on behalf of his four clients, against the under-insured motorist policy that Hartford maintained on Kim's car.

16. On July 20, 2005, Respondent settled the "med-pay" claims of his clients against Hartford. As of about July 20, 2005, Sang Koo Lee, Ok Lee and Jung Lee had left the United States and were living in Korea.

17. Thereafter, Respondent continued to represent Sang Il Lee and Sang Koo Lee in their claims against Hartford.

18. On November 1, 2005, Respondent settled Sang Il Lee's claim against Hartford for \$14,515. Respondent properly disbursed Sang Il Lee's settlement funds.

19. On January 25, 2006, Respondent settled Sang Koo Lee's claim against Hartford for \$60,000.

20. On February 10, 2006, Respondent deposited the \$60,000 settlement draft he received on Sang Koo Lee's behalf into his CTA.

21. On April 18, 2006, Respondent issued CTA check no. 1576, payable to Sang Koo Lee, in the amount of \$47,036. \$47,036 was Sang Koo Lee's portion of the settlement proceeds. Respondent was required to maintain the sum of \$47,036 in his CTA, on behalf of Sang Koo Lee.

22. Respondent believed his office manager had mailed the check to Sang Koo Lee. But, unbeknownst to Respondent, the check had not been mailed to Sang Koo Lee.

23. On March 1, 2006, the balance in Respondent's CTA had dropped to \$43,251.01. Respondent, with gross negligence, misappropriated \$3,784.99 of Sang Koo Lee's funds.

24. On July 12, 2006, Respondent discovered that the check payable to Sang Koo Lee had not been mailed to Korea. Respondent drafted a letter apologizing for the delay and mailed the check to his client in Korea.

25. On November 22, 2006, Respondent learned that the Sang Koo Lee had not received his July correspondence containing the check. Respondent put a stop payment order on the check and wired the funds to Sang Koo Lee's bank. In addition, on November 30, 2006, Respondent sent the Lee family a letter of apology, reduced his fee by \$10,000 and sent the additional \$10,000 to them.

Conclusions of Law:

By accepting and continuing representation of Lee, OK Bok Lee, Sang Koo Lee, and Sang IL Lee without their informed consent regarding the potential conflict of interest, Respondent represented more than one client in a matter in which the interests of the clients potentially conflicted in wilful violation of Rules of Professional Conduct, rule 3-310(C)(2). By misappropriating \$3,784.99 that he was required to maintain in trust for Sang IL Lee, Respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

07-O-10998

26. On April 15, 2005, Eleanor Choi (Choi) hired Respondent to represent her in a personal injury matter. They agreed that Respondent would receive a contingent fee as his payment for legal services. Respondent's contingent fee would be one third of the recovery if Ms. Choi's case settled 90 days before trial or arbitration, and forty-percent (40%) of the recovery if Ms. Choi's case settled closer to the trial or arbitration date.
27. On June 5, 2006, Respondent signed a lien with Key Health, one of Ms. Choi's medical providers.
28. On September 7, 2006, just before trial, Respondent settled Ms. Choi's personal injury case for \$380,000.
29. Respondent received Ms. Choi's settlement funds and deposited them in his CTA on September 25, 2006.
30. As of about October 2006, Key Health had an outstanding invoice for services that it had rendered to Ms. Choi.
31. On December 6, 2006, Respondent called Key Health and requested a reduction in Ms. Choi's medical bill. No agreement was made.
32. On about March 5, 2007, Key Health sent two invoices to Ms. Choi, stating that it had not been paid. One showed a balance due of \$22,300.81 and the other, \$7,925.
33. In March 2007, Ms. Choi filed a complaint against Respondent with the State Bar.
34. On July 13, 2007, Respondent sent a letter to Key Heath in an attempt to negotiate Ms. Choi's outstanding bill. No agreement was made.
35. Key Health referred the collection of the outstanding bill to Mediacredit Inc., a collection agency.
36. In or around January 2009, Respondent agreed to and did, make two payments of \$6,045.16 to satisfy Key Health's lien.

Conclusions of Law:

By not paying Key Health's medical lien for over two years and one-half years, Respondent failed to pay promptly, any funds in Respondent's possession which the client is entitled to receive in wilful violation of Rules of Professional Conduct, rule 4-100(B)(4).

07-O-14393

37. On about November 8, 2007, Mirae Bank notified the State Bar that Respondent issued a check number 2032 drawn upon his CTA, against insufficient funds. The CTA balance on that date was negative \$3,553.02.
38. Respondent issued the check when he was grossly negligent in not knowing that there were insufficient funds in his CTA to pay the check.

Conclusions of Law:

By issuing a check drawn upon his CTA when he was grossly negligent in not knowing, that the check was issued against insufficient funds, Respondent committed acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106.

08-O-11762

39. In September 2007, Respondent represented Prudencia Argueta and Bernarda Argueta (the Arguetas) in a personal injury matter.
40. On September 16, 2007, Respondent received \$2,000 in medical payments (med-pay) on the Arguetas' behalf from American Claims Management(American), the insurer in the personal injury matter. American delivered the funds to Respondent in two (2) separate \$1,000 checks. One check was made out to Respondent and Prudencia Argueta, and the other was made out to Respondent and Bernarda Argueta.
41. On September 24, 2007, Respondent deposited the Arguetas' med-pay funds into his CTA.
42. Pursuant to his agreement with the Arguetas Respondent was entitled to keep \$333 from each med pay check as his legal fee.
43. As of October 30, 2007, Respondent had paid a total of \$462.37 to Prudencia Argueta's medical providers. On October 30, 2007, Respondent was required to maintain \$204.63 in his CTA on Prudecia Argueta's behalf.
44. As of October 30, 2007, Respondent had paid a total of \$577 to Bernarda Argueta's medical providers. On October 30, 2007, Respondent was required to maintain \$90.00 in his CTA on Bernarda Argueta's behalf.
45. On October 30, 2007, the balance in Respondent's CTA was \$-3553.02.
46. In March 2008 the Arguetas hired new counsel.
47. On March 13, 2008, the Arguetas' new counsel sent a letter to Respondent requesting an accounting of the Arguetas' med-pay funds.
48. On April 24, 2008, Respondent sent an accounting to the Arguetas' new counsel and indicated that he had not disbursed all of the Arguetas' med pay funds.
49. On April 24, 2008, Respondent disbursed \$90 to Bernarda Argueta. On May 19, 2008 Respondent disbursed \$205 to Prudencia Argueta
50. Respondent, with gross negligence, misappropriated the med-pay funds received on behalf of the Arguetas.

Conclusions of Law:

By misappropriating at least \$294.63 of the Arguetas' settlement funds, Respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

MITIGATING CIRCUMSTANCES.

Respondent has demonstrated remorse for his wrongdoing. (Std. 1.2(e)(vii).) Respondent discounted his fees by \$10,000 to make amends in the Lee matter for the delay in Lee's receipt of the settlement funds. He also paid the Argueta's before any State Bar involvement.

Respondent has also been cooperative throughout the State Bar's investigation and settlement of these matters. (Std. 1.2(e)(v).)

AGGRAVATING FACTORS.

Respondent has one prior record of discipline, imposed in the year 2000. (Std. 1.2(b)(i).)

The current misconduct evidences multiple acts of wrongdoing. (Std. 1.2(b)(ii).)

AUTHORITIES SUPPORTING DISCIPLINE.

Standards:

Standard 1.7(a) requires that if a member has one prior record of discipline, the discipline in the current matter shall be greater with exceptions not present here.

Standard 2.2(a) requires disbarment for wilful misappropriation of entrusted funds. If the amount of the funds is insignificantly small or if the most compelling circumstances clearly predominate, disbarment is not required but the discipline shall not be less than a one-year actual suspension.

Standard 2.2(b) applies to violations of Rule 4-100, not including wilful misappropriation. It requires at least a three month actual suspension irrespective of mitigating circumstances.

Standard 2.3 states that discipline for an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Standard 2.10 applies to violations of any rule or B&PC section not specified under any other standard. It requires reproof or suspension according to the gravity of the offense or harm to the victim, and with due regard for the purposes of imposing discipline.

Case Law:

In *Matter of Blum* (2002) 4 Cal. State Bar Ct. Rptr. 403, the respondent did not oversee her CTA but rather, allowed her husband-attorney to do so and he grossly mismanaged the account. Respondent's inattention to her CTA and the subsequent mismanagement of it, resulted in trust account violations in two client matters and moral turpitude based upon gross negligence because her CTA had dropped below the amounts required to be kept in trust for the two clients on at least two occasions each. In mitigation, the respondent had no prior record of discipline in 14 years of practice, she had suffered from extreme emotional difficulties during the time of the misconduct, she fully and candidly acknowledged her misconduct, and had made restitution. In aggravation, respondent had engaged in multiple acts of misconduct and her misconduct significantly harmed her clients. The respondent received 30 days actual suspension.

In *Edwards v. State Bar* (1990) 52 Cal.3d 28, the attorney was culpable of wilful misappropriation of \$3,000 in settlement proceeds. But, in his testimony, the attorney also acknowledged a practice of commingling his own funds in his CTA, using CTA funds for personal expenses, and using CTA funds to refund unearned fees to another client, all of which evidenced multiple acts of wrongdoing. In mitigation, the Court found that the attorney had no prior discipline, engaged in no acts of deceit, made full repayment within three months after the misappropriation and before he was aware of a State Bar complaint, had been cooperative during the proceedings, and took steps to improve his management of entrusted funds. Edwards was actually suspended for one year.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
07-O-10998	8	4-100(A)
07-O-10998	6	3-110(A)
06-O-14513	4	4-100(A)
08-O-11762	10	4-100(A)

COSTS OF DISCIPLINARY PROCEEDINGS.


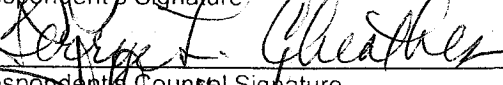
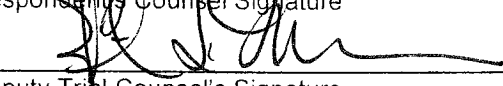
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 6, 2010, the prosecution costs in this matter are \$7,634.79. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of Paul Park	Case number(s): 05-O-02951 et.al.
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

<u>5/11/10</u> Date	 Respondent's Signature	<u>Paul Park</u> Print Name
<u>11 May 2010</u> Date	 Respondent's Counsel Signature	<u>Terrye L. Cheatham</u> Print Name
<u>5/13/10</u> Date	 Deputy Trial Counsel's Signature	<u>Melanie J. Lawrence</u> Print Name

(Do not write above this line.)

In the Matter Of Paul Park	Case Number(s): 05-O-02951 et.al.
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ORDER

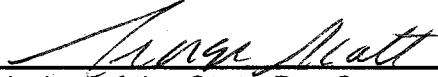
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

5-17-10


Judge of the State Bar Court
PRO TEM JUDGE
GEORGE SCOTT

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 27, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

TERRYE L. CHEATHEM, ESQ.
4859 W SLAUSON AVE #361
LOS ANGELES CA 90056

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

MELANIE LAWRENCE, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 27, 2010.



Rose Luthi
Case Administrator
State Bar Court